

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

E'YEN CARNAIL, : CASE NO. 1:12 CV 1042
Petitioner, :
-vs- :
MARGARET BRADSHAW, WARDEN : ORDER ADOPTING MAGISTRATE
Respondent. : JUDGE'S REPORT AND
: RECOMMENDATION AND TRANSFER
: TO THE UNITED STATES COURT OF
: APPEALS FOR THE SIXTH CIRCUIT

UNITED STATES DISTRICT JUDGE LESLEY WELLS

Pursuant to Local Rule 72.2(b)(2), the instant petition for the Writ of Habeas Corpus was referred to United States Magistrate Judge William H. Baughman, Jr. for report and recommendation ("R&R"). Magistrate Baughman considered the petition, respondent's return of writ (Doc. 10), and petitioner's traverse (Doc. 14). On June 27, 2014, the Magistrate Judge recommended that the petition be transferred to the United States Court of Appeals for the Sixth Circuit for consideration of certification to file a second or successive petition in the Court. (Doc. 15). On July 23, 2014, the petitioner filed timely objections. (Doc. 17). Respondent filed a response on July 28, 2014. (Doc.

18). For the reasons that follow, the objections will be overruled, the R&R adopted, and the case transferred to the United States Court of Appeals for the Sixth Circuit.

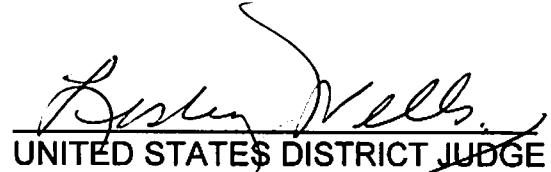
This Court makes a "de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge." Local Rule 72.3(b). The failure by either party to file specific objections constitutes a waiver of the right to appeal the magistrate's recommendations.

Thomas v. Arn, 474 U.S. 140, 155 (1985); Howard v. Sec'y of Health & Human Servs., 932 F.2d 505, 508-09 (6th Cir. 1991). "The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious." Miller v. Currie, 50 F.3d 373, 380 (6th Cir. 1995). "The filing of vague, general, or conclusory objections does not meet the requirement of specific objections and is tantamount to a complete failure to object." Cole v. Yukins, 7 F. App'x. 354, 356 (6th Cir. 2001) (citing Miller, 50 F3d at 380). The Sixth Circuit has explained that this specificity requirement is necessary to conserve judicial resources. Howard, 932 F.2d at 509 (if review of general objections is permitted, "[t]he functions of the district court are effectively duplicated as both the magistrate and the district court perform identical tasks. This duplication of time and effort wastes judicial resources rather than saving them, and runs contrary to the purposes of the Magistrates Act").

Upon review of the petitioner's objections (Doc. 17), this Court concludes that Mr. Carnail has failed to meet the specificity requirement contained in 28 U.S.C. § 636(b). His objections, being vague, general, and conclusory, do not provide a basis for rejecting the R&R.

Therefore, the Magistrate Judge's R&R is adopted. Mr. Carnail's Petition for Writ of Habeas Corpus is accordingly transferred to the Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631 and In re Sims, 111 F.3d 45, 47 (6th Cir. 1997). The Motion to Stay Petition is denied.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

Dated: January 16 2015